



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

APR 24 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

The Honorable Herman Dillon Sr.
Council Chairman
Puyallup Tribe of Indians
3009 East Portland Avenue
Tacoma, Washington 98404

Re: Offer for Government-to-Government Consultation and Coordination Regarding Enforcement Proceedings with the Port of Tacoma

Dear Chairman Dillon:

The U.S. Environmental Protection Agency would like to invite the Puyallup Tribal Government to initiate consultation regarding an enforcement action against the Port of Tacoma (Port) and its contractors for alleged Clean Water Act violations at two Port-owned sites on the Blair-Hylebos Peninsula – Hylebos Marsh and Wetland EB-1B. The EPA has been working towards a negotiated resolution with the Port and its contractors that would resolve the alleged violations and provide significant wetlands restoration and mitigation. During the negotiation phase, the EPA provided preliminary project plans and designs to Russ Ladley and Bill Sullivan of your staff and solicited their comments. The EPA would like to provide the Puyallup Tribe of Indians with the opportunity to consult on a government-to-government basis to discuss the proposed agreement and to describe the restoration and mitigation requirements. In addition, we will mail a copy of the draft consent decree to your tribal government when the document is released for public comment.

This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes*. The EPA's definition of tribal consultation is "a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes." As a process, consultation includes several methods of interaction that may occur at different levels.

The EPA would appreciate a response to this tribal consultation invitation no later than May 10, 2013. In your response, please include a designated tribal official for my staff to work with in setting up initial discussions should the Tribe be interested in consultation.

Should you have any questions or comments regarding this letter, please do not hesitate to contact me or have your staff contact Dr. Mary Anne Thiesing, Wetlands Ecologist, at (206) 553-6114.

Sincerely,

A handwritten signature in blue ink that reads "Linda Anderson-Carnahan". The signature is fluid and cursive, with the first name "Linda" being more prominent.

Linda Anderson-Carnahan, Acting Director
Office of Ecosystems, Tribal and Public Affairs

Cc: Mr. Russ Ladley, Environmental Resource Protection Manager
Puyallup Tribe of Indians

Mr. Bill Sullivan, Environmental/Natural Resources Director
Puyallup Tribe of Indians